रजिस्ट्री सं० डी० 221

REGISTERED NO. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 52] नई दिल्ली, शुक्रवार, नवम्बर 26, 1971/अग्रहायण 5, 1893
No. 52] NEW DELHI, FRIDAY, NOVEMBER 26, 1971/AGRAHAYANA 5, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 26th November, 1971:—

BILL NO. XXV OF 1971

A Bill further to amend the Indian Evidence Act, 1872

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title

1. This Act may be called the Indian Evidence (Amendment) Act, 1971.

1 of 1872.

Insertion of new section 126A.

2. After Section 126 of the Indian Evidence Act, 1872, the following section shall be inserted, namely:—

"126A. No editor or reporter of a newspaper shall at any time be permitted to disclose any communication or information or the source of any communication or information made or furnished to him in his capacity as editor or reporter or in the course of and for the purpose of his employment as such editor or reporter except with the express consent of the person who made the communication or gave the information:

Provided that nothing in this section shall protect from disclosure any such communication or information or source thereof if, in the opinion of the Court, it has been made in furtherance of any illegal purpose:

Provided further that nothing in this section shall protect from disclosure any such communication or information or source thereof if in the opinion of the Court its disclosure is necessary in the interest of security of India".

STATEMENT OF OBJECTS AND REASONS

In a recent case the Editor of 'Navakal' a daily of Bombay refused to disclose the identity of the person who furnished information published in his paper relating to the murder of Krishna Desai, a Communist member of the Maharashtra Legislative Assembly. The Session Judge of Bombay denied him the right to keep his source of information confidential.

The Indian Evidence Act, which was enacted a hundred years ago, expressly recognises communications between husband and wife or between a lawyer and his client as privileged and, therefore, protected from disclosure in a court of law. No such immunity from disclosure can be claimed by a journalist and his informant.

The essential role of a newspaper in a democracy is to give widest possible publicity to what the Supreme Court once described as "information from diverse and antagonistic sources." If freedom of the Press is to receive fuller meaning, the journalist must be assured that his source of information is protected by law otherwise his sources would dry up and the right to publish would be an empty right.

The Bill purports to assure the informant and strengthen the freedom of the Press.

VITHAL GADGIL.

II

BILL NO. XXVI OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971. Short title.

2. For article 37 of the Constitution of India, the following article shall be substituted, namely:— Substitution of a new article for article 37.

"37. (*1*) The principles laid down in this Part are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. Application of the principles contained in this Part.

(*2*) Any law in relation to a matter, in respect of which any principle has been laid down in this Part, shall, if it omits or fails to give effect to such principle, be void to the extent of such omission of failure.

(*3*) The right of any citizen to move the Supreme Court by appropriate proceedings for the enforcement of the principles laid down in this Part is guaranteed and such right shall not be suspended except as otherwise provided for by this Constitution.

(*4*) In this article, unless the context otherwise requires, "law", has the same meaning as in Part III.".

STATEMENT OF OBJECTS AND REASONS

The current political thinking in the country is that the Directive Principles should be regarded as fundamental in the governance of the country. Even the Supreme Court has held that anything intended to give effect to the Directive Principles would be reasonable for the purposes of the fundamental rights. The purpose of the Bill is to bring the Constitution in tune with current thinking in the country.

A. D. MANI.

B. N. BANERJEE,
Secretary

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1971